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December 18, 2007

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-1901

BY ECF and mail

RE: United States v. Shyne, et. al., including Roberto Montgomery, 05 Cr 1067 (KMK)

Your Honor:

I am writing to seek a postponement of the surrender date for my client, which is now set for Friday, April 11, 2008.

I apologize for the short notice of this request: I was initially waiting for the sentencing minutes (which I originally ordered within a day or two of the sentencing hearing) so I could review the Court's decision on my post-verdict motion in order to prepare a renewed application for bail pending appeal. I did not get those minutes until about two days before I left for Europe on personal business, and I only returned from Europe this weekend. I do not feel I have had the time to make an application for bail pending appeal, so at this point, at least, I am asking for a postponement based on two other reasons.

The first is that my client does not seem to have been designated to a facility by the Bureau of Prisons. That may be due to the fact that the Judgment and Commitment Order was not filed until today. I would ask that my client be allowed to surrender directly to the designated facility.

Much more important, however, is the fact that my client's "common-law" wife, Melitza Ramos, is pregnant with their first child together. (See PSI, page 27, paragraphs 155 through 157). I am attaching a letter from her doctor stating that her due date (which is always an approximation) is June 11, 2008. She would very much like to have my client available to her to help with the delivery and for several weeks thereafter, and so I am asking that the surrender date be postponed until early July.

During the time since the sentencing date my client has been, as he always was, working

and continuing his obligations to support his various children. He has been in compliance with all of this terms of release.

I contacted AUSA Dan Levy before I went to Europe to ask for his consent: today he told me that his office does not consent.

Nevertheless, I respectfully ask that the Court grant a continuance of the surrender date until early July, 2008, perhaps until July 6, 2008, so that if he is designated by then he can surrender to the designated facility and have the day before (which I expect is the July 4th holiday) to travel to the facility.

Thank you for your attention to this.

Sincerely,

/s/ Thomas H. Nooter

Thomas H. Nooter

Attorney for Mr. Roberto Montgomery

Enc.: Copy of letter from Ms. Ramos's doctor

cc: AUSA Daniel Levy, by fax and ECF